

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

TIMOTHY JOHN WAGENAAR,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 09-668V

Special Master Christian J. Moran

Filed: December 17, 2012

Attorneys' fees and costs; award in
the amount to which respondent has
not objected.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Norma H. Pylman, II, Gruel, Mills, et al., Grand Rapids, MI, for Petitioner;
Julia W. McInerney, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Timothy John Wagenaar filed an application for attorneys' fees and costs on December 14, 2012. The Court awards the amount to which respondent does not object.

Mr. Wagenaar alleged that the trivalent influenza vaccine he received on October 8, 2007 caused him to suffer the first symptom or manifestation of the onset of transverse myelitis within 14 days of receipt of the vaccine. Mr. Wagenaar received compensation based upon the parties' stipulation. Decision, filed Nov. 2, 2012. Because Mr. Wagenaar received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Wagenaar seeks a total of **\$159,396.91** in attorneys' fees and costs for his counsel, which amount includes \$91,592.00 in fees and \$67,804.91 in costs. Additionally, Mr. Wagenaar filed a statement of costs in compliance with General Order No. 9, stating that he incurred no litigation expenses while pursuing this claim. Respondent has no objection to this application for attorneys' fees and costs.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$159,396.91** for attorneys' fees and costs. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.